UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,228	03/07/2005	Ralf Widera	520.1046	1768

7278 7590 02/14/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2154	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/507,228	WIDERA ET AL.
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 September 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-53</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>25-53</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>09 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/04</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.　　Claims 25 – 53 are presented for examination.

Claim Rejections - 35 USC § 102

2.　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.　　Claims 25-41 and 44-53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Toyoshima et al.[U.S. PGPub 20040044753].

4.　　As to claims 25 and 29, Toyoshima teaches the invention as claimed including:

a method for automatically indicating status information via an output device, the status

information including at least one of a status of a component of a measuring system, a

status of a connection of the measuring system, and a measurement result of the

measuring system [e.g., Abstract; paragraphs 43-50], the method comprising:

assigning first status information to a first status range of a plurality of fixed

status ranges according to at least one first predetermined condition, the first status

range being limited by at least one first threshold value [e.g., paragraph 36];

outputting the assigned first status range [e.g., 514, Fig.5]; and

automatically updating the first status information at a predetermined time

interval [paragraphs 14-15 and 40].

5.   As to claim 26, Toyoshima teaches that the method further comprises:

assigning second status information to a second status range of the plurality of

fixed status ranges according to at least one second predetermined condition, the

second status range being limited by at least one second threshold value ;

outputting the assigned second status range; and

automatically updating the second status information at the predetermined time

interval [paragraph 40; note that there are a plurality of columns in the spreadsheets

shown in Fig. 4, each representing a displayed variable having an inherent status range

because each belongs to different data type].

6.   As to claim 27, Toyoshima further teaches that the measuring system includes

at least a portion of a telecommunications network [Abstract].

7.   As to claim 28, Toyoshima further teaches that the telecommunications network

includes at least one of an internet and an intranet [e.g., 1030 Fig.10].

8.   As to claims 30-31, Toyoshima further teaches that the outputting includes

displaying the assigned first status range in a graphic using an output device and further

comprising displaying the first status information in the graphic using the output device,

wherein the graphic includes a matrix [e.g., Figs. 4-5; note that a spreadsheet has its

elements/cells arranged as a matrix]

9.   As to claims 32-34, Toyoshima further teaches that the graphic includes a

graphical user interface, a first level of the first status range on the graphical user

interface having at least one underlying representation level capable of being made

visible by activation in the first level, wherein the graphical user interface includes a

window [paragraph 36-37], wherein at least one of the first status information and the

first status range is displayed, relative to the first level, in increased detail in the at least

one underlying representation level [note that Fig.5 shows increased details of an

element in Fig.4].

10.   As to claim 35, Toyoshima further teaches that each of the status ranges has a

respective different color so as to individualize each respective status range [e.g., 514

Fig.5; paragraph 36].

11.   As to claim 36, Toyoshima further teaches that:

       the plurality of status ranges includes a second status range;

the first and second status ranges reflect at least one of a magnitude of a first

measurement result, a plurality of second measurement results, and a value describing

a status of a first component of the measuring system [Figs. 4-5; paragraphs 34-46];

and the first and second status ranges together form a hierarchy [e.g., paragraph

36, wherein the first status range (e.g., being designated as values below a threshold)

and the second status range (e.g., being designated as values above the threshold)

form a hierarchy].

12.   As to claim 37, Toyoshima further teaches that the measuring system includes a

first and a second measuring computer [e.g., 718-722 Fig. 7; 1020, 1040, Fig.10] and a

control computer [e.g., 712 Fig.7; 1012-1016, Fig.10] configured to control the first and

second measuring computer; and

the first status information is based on at least one of a status of the first

measuring computer, a quality of a measurement connection between the first and

second measuring computers, a reachability of at least one of the first and second

measuring computers by the control computer, a time synchronization of the first and

second measuring computers, and a currentness of the status information [e.g.,

paragraphs 43-50].

13.   As to claim 38, Toyoshima further teaches that:

a first component of the measuring system includes a measuring computer [e.g.,

a VPN server];

the first status information relates to a status of the measuring computer; and the

displaying the first status information includes displaying the first status information in

an assigned first field in a first column of the matrix [e.g., G column of Fig. 4 shows the

utilization rate measured from the VPN servers and column I shows the action status].

14.   As to claim 39, Toyoshima further teaches that the outputting includes displaying

the assigned first status range in a matrix of a graphic using the output device, and

further comprising:

displaying the first status information in an assigned first field in a first column of

the matrix, the first status information being based on a status of the first measuring

computer [e.g., the bit rate associated with VPN1 in Fig.4];

displaying an assigned second status range in the matrix using the output device;

and displaying second status information in an assigned second field in the first column

of the matrix using the output device, the second status information being based on a

status of the second measuring computer [e.g., the current bit rate associated with

VPN2 in Fig.4].

15.   As to claim 40, Toyoshima further teaches that the first and second measuring

computers are represented in the assigned respective field in the first column of the

matrix by a respective identifier including at least one of a name and an IP address

[e.g., 512, 516, Fig.5; C-D columns of Fig.4].

16.   As to claim 47, Toyoshima further teaches that the outputting includes displaying

the assigned first status range in a matrix of a graphic using the output device and

further comprising displaying the first status information in the graphic using the output

device, the graphic including a graphical user interface [e.g., a browser], a first level of

the first status range on the graphical user interface having a second representation

level capable of being made visible by activation in the first level, a second field of the

matrix being disposed in a second row or column and including the second

representation level showing a status of a first measurement connection in more detail

than the first level [Figs. 4-5; paragraph 36].

17.   As to claim 48, Toyoshima further teaches that the second representation level

indicates a type of the first measurement connection between first and second

measuring computers of the measuring system and a status of at least one

measurement parameter determining a quality of the first measurement connection

[e.g., 520-534 Fig.5].

18.   As to claim 49, Toyoshima further teaches that the status of the at least one

measurement parameter is based on at least one transmission characteristic in the first

measurement connection [e.g., columns E-H].

19.   As to claim 50, Toyoshima further teaches that the at least one transmission

characteristic includes at least one of a packet delay, an IP delay variation, and a

packet loss [e.g., paragraph 47].

20.   As to claim 51, Toyoshima further teaches that the second representation level

has a subordinate third representation level showing measurement results in detail over

a predetermined period of time [e.g., 540, 550, Fig.5].

21.   As to claim 52, Toyoshima further teaches that the outputting includes

displaying, using an output device, the assigned first status range in a matrix of a

graphic including a graphical user interface, and further comprising displaying the first

status information in the matrix using the output device, a first level of the first status

range on the graphical user interface having a subordinate second representation level

capable of being made visible by activation in the first level, the second representation

level displaying system messages [Figs. 4-5; paragraph 36: "The window of FIG. 5 is

displayed when, for example, the current bit rate cell 420 is selected in FIG. 4. A graph

showing the VPN link 514 between Osaka 512 and Tokyo 516 is shown at the top of the

window"].

22.   As to claim 53, Toyoshima further teaches that the outputting is performed using

an output device configured to display and update the status information via a browser

[paragraphs 39 and 41].

23.   As to claims 41 and 44-46, since the features of these claims can also be found in claims 25, 30-31 and 36-40, they are rejected for the same reasons set forth in the rejection of claims 25, 30-31 and 36-40 above.

24.   Claims 25, 36-37 and 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruickshank et al.[U.S. PGPub 20030126256].

25.   As to claim 25, Cruickshank teaches the invention as claimed including: a method for automatically indicating status information via an output device, the status information including at least one of a status of a component of a measuring system, a status of a connection of the measuring system, and a measurement result of the measuring system [e.g., Abstract], the method comprising:

        assigning first status information to a first status range of a plurality of fixed status ranges according to at least one first predetermined condition, the first status range being limited by at least one first threshold value [e.g., paragraphs 7-8];

        outputting the assigned first status range [e.g., paragraph 139; Fig.3; Table 5]; and

        automatically updating the first status information at a predetermined time interval [paragraphs 132-139; 142-146].

26.   As to claim 36, Cruickshank further teaches that:

the plurality of status ranges includes a second status range;

the first and second status ranges reflect at least one of a magnitude of a first

measurement result, a plurality of second measurement results, and a value describing

a status of a first component of the measuring system [Fig.3; Table 5]; and

the first and second status ranges together form a hierarchy [e.g., paragraph

144].

27.   As to claim 37, Cruickshank further teaches that the measuring system includes

a first and a second measuring computer [e.g., 12-14, Fig.1] and a control computer

[e.g., 20, Fig.1] configured to control the first and second measuring computer; and

the first status information is based on at least one of a status of the first

measuring computer, a quality of a measurement connection between the first and

second measuring computers, a reachability of at least one of the first and second

measuring computers by the control computer, a time synchronization of the first and

second measuring computers, and a currentness of the status information [e.g.,

paragraphs 30-31].

28.   As to claim 39, Cruickshank further teaches that the outputting includes

displaying the assigned first status range in a matrix of a graphic using the output

device, and further comprising:

displaying the first status information in an assigned first field in a first column of

the matrix, the first status information being based on a status of the first measuring

computer [e.g., first row of Table 5 represents a first modem performance metric

associated with the first measuring computer];

displaying an assigned second status range in the matrix using the output device;

and displaying second status information in an assigned second field in the first column

of the matrix using the output device, the second status information being based on a

status of the second measuring computer[e.g., second row of Table 5 represents a

second modem performance metric associated with the second measuring computer].

29.   As to claim 40, Cruickshank further teaches that the first and second measuring

computers are represented in the assigned respective field in the first column of the

matrix by a respective identifier including at least one of a name and an IP address [See

the left column of Table 5, which are modem identifiers associated with their measuring

computers .

30.   As to claim 42, Cruickshank further teaches that a first component of the

measuring system includes a measuring computer, and further comprising displaying

the first status information in an assigned first field in a first column of a matrix of a

graphic, the first status information being based on a status of the measuring computer,

the first status information including at least one of a status of a time synchronization of

the measuring computer, the reachability of the measuring computer by a control

computer, and at least one error message of the measuring system regarding the

measuring computer [e.g., Table 1, wherein error rates are incorporated into the calculation of the performance metrics].

31.   As to claim 43, Cruickshank further teaches that a first component of the measuring system includes a measuring computer, and further comprising displaying the first status information in an assigned first field in a first column of a matrix of a graphic, the first status information being based on a status of the measuring computer, an assignment of the measuring computer to a control computer being indicated in a respective field in a first row of the matrix [e.g., Table 5, wherein the modem a identifier is displayed in a first row of the matrix].

32.   As to claims 41 and 44, since the features of these claims can also be found in claims 25, 30-31 and 37-40, they are rejected for the same reasons set forth in the rejection of claims 25, 30-31 and 37-40 above.

33.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rakoshitz et al.   [U.S. Pat. No. 6578077]; and

Ellesson et al.   [U.S. Pat. No. 6459682].

34.   A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period

for response will result in ABANDONMENT of the application (see 35 U.S.C. 133,

M.P.E.P. 710.02, 710.02(b)).

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the contest of the passage as taught by the prior art

or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969.

The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers

for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the
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Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

February 9, 2007